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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/494,956	02/01/2000	Jeffrey Jovan Philyaw	PHLY-24,815	4177

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EXAMINER

HUNT, ERIC T

ART UNIT PAPER NUMBER

2142

DATE MAILED: 12/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

11

# Office Action Summary

Application No.

09/494,956

Applicant(s)

PHILYAW ET AL.

Examiner

Eric T. Hunt

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 22-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 22, 24-25, 29, and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,018,764 to Field and further in view of U.S. Patent No. 6,16,803 to Watanabe.

3. Regarding claim 22, Field teaches the invention substantially as claimed. Field & Watanabe teaches a method for allowing any of a plurality of first locations **[Field subscribers column 5, lines 35-36]** on a global communication network **[Field Internet column 3, lines 44-46]** to access a specific and determinable second location **[Field broadcast address column 4, lines 10-11]** on the global communication network, comprising the steps of:

which unique audio signatures is permanently associated with the specific and determinable second location **[Field URL of the corresponding to broadcast address column 6, table 1]** ;

Field does not explicitly teach a database or defining a unique audio signature. Field is also deficient in its teaching of associating with the unique audio designation in the database routing information over the global communication network to the specific and determinable second location from any of the plurality of the first locations on the global communication network . However, art related to a television transmission apparatus for transmitting audio, Watanabe discloses a URL/audio URL signal correspondence table storing unit **[Watanabe**

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**column 7, lines 53-54]** corresponding to defining unique audio signatures stored in a database. Watanabe further teaches a one to one correspondence of a characteristic audio signal and URL **[Watanabe column 63-65]**. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Field with the database of Watanabe in order to make it easy to access to a web site.

4. Regarding claim 24, Field and Watanabe teach the invention substantially as claimed as noted above. Field and Watanabe teach wherein the unique audio signature has embedded therein encoded information **[Field relevant information to retrieve requested information column 3, lines 62-67]** wherein the step of storing the unique audio designation in a database comprises storing the decoded version **[Watanabe column 6, lines 44-47 decoder for extracting audio]** of the encoded information therein and the step of associating is operable to associate the decoded version of the unique encoded audio with routing information.

5. Regarding claim 25, Field and Watanabe teach the invention substantially as claimed as noted above. Field and Watanabe further teach wherein, in response to receiving a request **[Field column 3, lines 53-55]** from one of the plurality of first locations at the database, which request has associated therewith the decoded version of one of the unique audio designations **[Field URL column 6, table 1]** stored in the database, returning the associated routing information back to the requesting one of the first locations **[Field retrieving associated URL column 4, lines 23-24]**.

6. Regarding claim 29, Field and Watanabe teach the invention substantially as claimed as noted above. Field and Watanabe further teach defining a unique audio signature **[Watanabe column 6, lines 63-65]** for the specific and determinable second location on the global

communication network, which unique audio signature is permanently associated with the specific and determinable second location;

storing a unique audio designation corresponding to the unique audio signature in a database [**Figure 3, URL/Audio url signal correspondence table storing**];

associating with the unique audio designation in the database routing information over the global communication network to the specific and determinable second location from any of the plurality of the first locations on the global communication network [**Watanabe column 6, lines 63-65 & lines 66-67 Internet**];

causing the unique audio signature to be reproduced at one or more of the plurality of first locations [**Field column 5, lines 38-40**]; and

transferring information between the one or more of the first locations and the specific and determinable second location in response to the step of causing and in accordance with the routing information stored in the database and associated with the reproduced unique audio signature [**Field column 4, lines 24-25**].

7. Claims 31 and 32 have similar limitations as corresponding claims 24 and 25; therefore claims 31 and 32 are rejected under the same rationale.

8. Claims 23, 26-28, 30, 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Field and Watanabe as applied to claim 22 above, and further in view of U.S. Patent No. 5,913,210 to Call.

9. Regarding claim 23, Field and Watanabe teach the invention substantially as claimed as noted above. Field and Watanabe do not teach wherein the database is disposed at an intermediate node on the global communication network remote from the first location or the

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specific and determinable second location. However, in art related to access information from two remote locations on a global network, Call teaches a relational database [**Call column 3, lines 63-64**] disposed at an intermediate node [**Call figure 1, detail 101 & column 13, lines 12-13 database requests routed to manufacturer**] from first location and second. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Field and Watanabe with the intermediate database of Call because obtaining an address reference prior to accessing a second locations data, minimizes second location network traffic.

10. Regarding claim 27, Field, Watanabe, and Call teach the invention substantially as claimed as noted above. Field further teaches wherein the step of defining a unique audio signature comprises defining a unique audio signature that comprises an audio signal within the hearing range of a human [**Field column 5, lines 39-40**].

11. Regarding claim 28, Field, Watanabe, and Call teach the invention substantially as claimed as noted above. Field and Watanabe further teach wherein the unique audio designation is compatible with the audio portion of a television broadcast [**Field column 5, lines 39-40**].

12. Claims 26, 30, and 33 have similar limitations as claim 23; therefore claims 26, 30, and 33 are rejected under the same rationale.

13. Claims 34, and 35 have similar limitations as corresponding claims 27, and 28; therefore claims 34, and 35 are rejected under the same rationale.

#### Response to Arguments

14. Applicant's arguments with respect to claims 22-35 have been considered but are moot in view of the new ground(s) of rejection.

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*Conclusion*

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric T. Hunt whose telephone number is 703-305-4868. The examiner can normally be reached on 7am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Powell can be reached on 703-305-9703. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

E.H.  
December 23, 2002

  
MARK POWELL  
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